

## REMARKS

### A. Background

Claims 22-42 were pending in the application at the time of the Office Action. The Office rejected claims 22-42 as being anticipated by cited art. By this response, Applicant has cancelled claims 24-26, 34, 35 and 38; amended claims 22, 23, 27 and 39; and added new claims 43-50. As such, claims 22, 23, 27-33, 36, 37, 39-50 are presented for the Examiner's consideration in light of the following remarks.

### B. Proposed Claim Amendments

Applicant has herein amended claim 22 by specifying first and second actuators, a first flexure located between said first actuator and said optical element and a second flexure located between said second actuator and said optical element. Furthermore, claim 22 has been amended by specifying that the first and second flexures are spaced adjacent one another and placed substantially parallel to one another.

The amendments to claim 22 are supported in the application at least by the embodiments of Figures 1 to 3 and Figure 5, the corresponding discussion in the specification, and by prior claim language.

Claim 23 has been amended by adding that the at least two actuators have a central axis along its length. Furthermore, the point of attachment between said flexures and said actuators are located inwards from the central axes of said actuators. The points of attachment between flexures and said actuators are located along the central axis. Claim 23 is supported at least by the embodiment of Figure 5, the corresponding discussion in the specification, and by prior claim language.

Amended claim 27 now specifies that the actuator is a two-dimensional actuator. Claim 27 is also supported at least because the embodiment of Figure 14 shows a two-dimensional actuator.

Amended claim 39 finds support for example in the embodiment of Figure 8, the corresponding discussion in the specification, and by prior claim language.

New claim 43 finds support in the embodiment of Figure 4, the corresponding discussion in the specification, and by prior claim language.

New claims 44 to 47 find support in the embodiment of Figure 5, the corresponding discussion in the specification, and by prior claim language.

New claim 48 finds support in the embodiment of Figure 7, the corresponding discussion in the specification and by prior claim language.

New claims 49 and 50 find support for example in the embodiment of Figure 5, their corresponding discussion in the specification and by prior claim language.

#### C. Rejections based on 35 U.S.C. 102(b)

Pages 2 to 6 of the Office action reject claims 22-42 under 35 U.S.C. §102(b) as being anticipated by WO 98/47035 in the name of Oosterwijk et al (“Oosterwijk”).

Claim 22 is directed to an optical element positioning arrangement wherein the first and second flexures are spaced adjacent one another and placed substantially parallel to one another. By contrast, the arrangement in Oosterwijk incorporates a first and a second actuator 7 spaced apart by a referenced part 6. Furthermore, amended claim 22 also indicates that the first flexure is located between a first actuator and the optical element and the second flexure is located

between a second actuator and the optical element. By contrast, flexures 4 of Oosterwijk are provided only between the actuator and a transmission structure.

Claim 22 is therefore novel over Oosterwijk and withdrawal of the rejection is requested.

Amended claim 23 now recites that the points of attachment between the flexures and the actuators are located inwards from the central axes of the actuators. By contrast, flexures 4C of Figure 4 in Oosterwijk are located along the central axis.

Amended claim 23 is thus also novel over Oosterwijk.

Amended claim 27 now recites that the actuator is a two-dimensional actuator. Each one of the actuators described in Oosterwijk is one-dimensional as shown in Figure 5 and its corresponding description in the specification.

Since claims 28 to 33 incorporate the features of claim 27 by being dependent on claim 27, these are also new over Oosterwijk. Similarly, claims 36, 37, 39-41 are also novel for the same reasons.

New claim 43 now specifies that the arrangement incorporates a first actuator which displaces linearly in the X direction and a second actuator which displaces linearly in the Y direction, the first and second actuators being orthogonally disposed relative to each other. By contrast, the actuators in Oosterwijk only displace in the X direction.

New claim 44 depends on claim 22 and is therefore also novel for the same reasons as outlined above with regard to claim 22.

New claim 45 is also novel for the same reasons as outlined above with regard to claim 23 since it depends on claim 23.

New claim 46 recites that an optical element positioning arrangement comprises three actuators. By contrast, the arrangements of Oosterwijk only incorporate two actuators. Claim 46 is therefore novel over Oosterwijk.

Claim 47 is new for the same reasons as outlined with regard to claim 46 since it depends on claim 46.

New claim 48 now recites that an optical element positioning arrangement incorporates four actuators. By contrast, the arrangement in Oosterwijk only incorporates two actuators. Therefore, claim 48 is new over Oosterwijk.

New claim 49 recites that an optical element positioning arrangement has only one flexure located between its corresponding actuator and optical element. By contrast, Oosterwijk incorporates first flexure 4 followed by an arm 5 and a second flexure 4 being attached to a reflecting element. New claim 49 is therefore novel over Oosterwijk.

New claim 50 incorporates the features of new claim 49 since it depends on claim 49. For this reason, new claim 50 is also novel over Oosterwijk.

#### D. Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this

application that old claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate the expeditious prosecution of this application.

Applicant reserves the right to pursue at a later date any currently amended or other broader or narrower claims that capture any subject matter to be found specifically disclosed herein or by any prior prosecution. Accordingly, reviewers of this or any related parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, Applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 11<sup>th</sup> day of November 2009.

Respectfully submitted,

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